

EXHIBIT 3

HIGHLY CONFIDENTIAL

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

3
4 IN RE VALVE ANTITRUST Case No.
5 LITIGATION 2:21-cv-00563-JCC

6 ~~~~~

7 *** HIGHLY CONFIDENTIAL ***

8
9 VIDEO DEPOSITION OF
10 JASON OWENS

11
12 December 5, 2023

13
14 9:09 a.m. Central

15
16 3003 West Corporate Drive
17 Lisle, Illinois

18
19
20 Stenographically Reported By:
21 Deanna Amore - CRR, RPR, CSR - 084-003999

HIGHLY CONFIDENTIAL

Page 2

APPEARANCES OF COUNSEL

On Behalf of the Plaintiffs:

WILSON SONSINI GOODRICH & ROSATI
ALLISON B. SMITH
KENNETH O'ROURKE
BAASIL SHARIF (via Zoom)
1700 K Street NW
Washington, DC 20006
bsharif@wsgr.com
allison.smith@wsgr.com
korourke@wsgr.com

On Behalf of the Defendant, Valve Corporation:

MONTGOMERY McCracken Walker & Rhoads
ROBERT DAY
1735 Market Street
Philadelphia, Pennsylvania 19103
rday@mmwr.com

ALSO PRESENT

Ben Dixon, Videographer
Peggy Oldenburg, Concierge-Technician

* * * * *

HIGHLY CONFIDENTIAL

Page 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS

EXAMINATION

JASON OWENS

EXAMINATION BY MR. DAY 11

EXAMINATION BY MS. SMITH 388

EXHIBITS

Exhibit 1 GameSpot Profile of 161

Haplo17

Exhibit 2 Haplo17 Review of Just 163

Cause 2

Exhibit 3 MMO Champion - Haplo17 172

Exhibit 4 MMO Champion Thread 175

Exhibit 5 Potential Places to Carry 196

Djinni & Thaco

DarkCatt_0021843-1847

Exhibit 6 10.27.2017 Email Re: 198

Distribution - I sort of

feel like we should

leave...;

DarkCatt_0009010

Exhibit 7 1.17.2020 Email Re: 201

Consumer Game Djinni and

Thaco demo...;

DarkCatt_0007202

HIGHLY CONFIDENTIAL

Page 33

1 to the retail store, you buy it?

2 A. Uh-huh.

3 Q. Are you buying a CD or some other
4 physical --

5 A. Depending if it's a floppy disk or CD,
6 yes.

7 Q. But you had to buy a physical item --

8 A. Yes.

9 Q. -- and play it on your PC?

10 A. Yes, I did.

11 Q. Did you know -- could you play
12 Civilization II anywhere else aside from the PC?

13 MS. SMITH: Object to form.

14 THE WITNESS: Not that I'm aware of.

15 BY MR. DAY:

16 Q. I wanted to return to a couple of other
17 prior ones.

18 Was Doom a console game too?

19 A. I think it may have become one, but
20 I never played it on a console.

21 Q. Do you know when it became a console game?

22 A. I do not.

23 Q. In the early '90s?

24 A. Might have been, guessing.

25 Q. Could you have played Myst on another

HIGHLY CONFIDENTIAL

Page 57

1 Target back then. I'm sure there were other
2 stores.

3 Q. Okay. So you had the big stores, the big
4 name stores is where you got the most popular games
5 but you still needed your FuncoLand to find other
6 types --

7 A. Slightly more obscure things, yeah.

8 Q. The more obscure things.

9 Did you end up -- would you say the games
10 you played tended to come from big name stores or
11 FuncoLands?

12 A. Because I didn't have a car until, you
13 know -- well, I guess by the mid '90s, I did have a
14 car, but I, you know, still didn't go terribly far
15 away. So it was either the mall or the Electronics
16 Boutique or the FuncoLand that was about a mile and
17 a half from my house.

18 Q. So that's where you went to get most of
19 your games?

20 A. Primarily.

21 Q. So you'd just walk there?

22 A. Walk or drive there, ride a bike, you
23 know, depending on the year, I guess.

24 Q. So your friend gives you Fallout 2. Is it
25 a CD at that point?

HIGHLY CONFIDENTIAL

Page 72

1 Battle.net for a second.

2 So you'd buy World of Warcraft; correct?

3 A. Yes.

4 Q. And how would you buy World of Warcraft,
5 by the way?

6 A. Go to the store and pick it up at that
7 time.

8 Q. Could you download it as well?

9 A. It might have been possible, but it was
10 enormous at that time, and trying to download that
11 would have been horrible.

12 Q. Did you consider downloading it?

13 MS. SMITH: Object to form.

14 THE WITNESS: I did not. Did not have that
15 kind of Internet speed.

16 BY MR. DAY:

17 Q. Did you purchase World of Warcraft,
18 though?

19 A. Someone purchased it for me.

20 Q. Okay. And they bought it at a retail
21 store?

22 MS. SMITH: Object to form.

23 THE WITNESS: I believe so.

24 BY MR. DAY:

25 Q. Was World of Warcraft a game that you

HIGHLY CONFIDENTIAL

Page 141

1 not be surprised if you could.

2 Q. Could you buy it on Epic Games Store?

3 A. Yes.

4 Q. Could you buy it at PlayStation Store?

5 A. I believe so, yes.

6 Q. Could you buy it from Nintendo Switch?

7 A. I honestly don't know.

8 Q. Okay. And you bought it where?

9 A. Through Steam.

10 Q. Why?

11 A. At that time it was originally, I think,
12 only available through Steam, and I don't know that
13 it was available through any other option --

14 Q. Are there any --

15 A. -- at least early on.

16 Q. Sorry. I didn't know you weren't done.

17 Are there any titles that you knew were
18 available on both Steam and Epic Games Store, and
19 you bought it on Epic Games Store?

20 A. Not that I can think of.

21 Q. Why not?

22 A. Steam has options that Epic does not.

23 Q. Like what?

24 A. Modding community is -- Steam workshop
25 allows for modding. Epic does not in the same way.

HIGHLY CONFIDENTIAL

Page 185

1 A. Yes, if it's -- the actual playing
2 experience, not so much, but the updating.

3 Q. So from the developer's side?

4 A. Yeah.

5 Q. Okay. How would -- how did -- scratch
6 that.

7 How did you update a game before the
8 Internet?

9 A. Infrequently, at best. It often wasn't a
10 good option or you could -- in the very early days,
11 you could literally send the companies a request
12 for a disc that would have updates on them.

13 Q. And did it make it -- did an Internet
14 connection provide a more easy way to get DLC?

15 A. Oh, absolutely.

16 Q. Explain that.

17 A. You didn't have to write somebody or wait
18 for something to show up in the mail. I mean,
19 Internet made everything easier.

20 Q. And do -- does Steam specifically offer
21 this service?

22 MS. SMITH: Object to form.

23 BY MR. DAY:

24 Q. Patching? Does it allow developers to
25 patch their games?